

## **REMARKS**

Claims 1 through 19 remain pending in the present application. No claims have been amended.

The undersigned attorney would like to thank Examiner Perez for the courtesies extended to him during the personal interview on June 28, 2005. During the interview, the claims were discussed. Applicant's representative pointed out the differences between the pending claims and the cited art. The Examiner acknowledges the differences and indicated that he would consider the amendment when presented.

### **Rejection Under 35 U.S.C. §102(b)**

The Examiner has rejected Claim 16 under 35 U.S.C. §102(b) as being anticipated by Irvin.

As was pointed out at the interview, Claim 16 includes, among other elements, the storage means for storing a plurality of thresholds for each of a plurality of usage conditions. Also, an operation controller is constructed to select at least one threshold having one unit to operate the VOX controller in accordance with the selected at least one threshold when the usage condition detector means determines one of the usage conditions. Thus, the present invention detects a use condition of a mobile terminal and selects a threshold power level, dependent on the detected use condition from a plurality of thresholds for use conditions, so that the presence or absence of the voice input may be correctly determined to attain the VOX function.

As was further pointed out at the interview, the Irvin reference teaches using a mobile terminal in a handheld condition or in a cradled condition. In the cradled condition, power is always sent to the mobile terminal and it does not reduce battery

consumption. In fact, since the mobile terminal is connected, when in the cradle, to an external power source, it is not concerned about power. Further, Irvin does not disclose a plurality of thresholds for each use condition.

Thus, Irvin only discloses the relationship between the mobile terminal use condition and the power supply to the transmitter of the mobile terminal. Irvin fails to disclose or suggest Applicant's invention as claimed. Accordingly, Claim 16 is patentably distinguishable over the art cited by the Examiner.

**Rejection Under 35 U.S.C. §103(a)**

The Examiner has rejected Claims 1, 5 through 7, 10 through 12, and 20 under 35 U.S.C. §103(a) as being unpatentable over Irvin in view of Watanabe et al.

Claim 1 discloses and claims a storage means for storing a plurality of thresholds for each of a plurality of use conditions. The operation controller is constructed to select one of the thresholds in correspondence with the detection result by the usage condition detector means and operate the VOX controller means by comparing the voice input with the selected threshold.

As mentioned above, the Irvin reference fails to disclose or suggest these features. Thus, the above arguments equally apply to Claim 1. Further, the combination of Watanabe et al fails to overcome the deficiencies of the Irvin reference.

As was pointed out at the interview, the claimed invention receives inputs from a plurality of devices such as the mobile terminal when it is in the cradle, the mobile terminal itself, or a headset. The storage means stores a threshold for each of these conditions. Irvin fails to disclose or suggest these features as was explained to the Examiner at the interview. Accordingly, the combination with Watanabe et al fails to

overcome the deficiencies of Irvin. Thus, Claim 1, as well as Claims 5 through 7 and 10 which depend from Claim 1, are patentably distinct over the art cited by the Examiner.

Independent Claim 11 claims a method of controlling a mobile terminal having a handset microphone connectable to an external microphone. The Irvin reference, as mentioned above, fails to disclose or suggest the method of Claim 11. The combination with Watanabe et al likewise fails to remedy the deficiencies of the Irvin reference. Accordingly, Applicant believes Claim 11 to be patentably distinct over the art cited by the Examiner.

Likewise, Claims 12 and 20 which depend from Claim 11 are patentably distinct over the art cited by the Examiner.

The Examiner has rejected Claims 2 through 4, 13 and 15 under 35 U.S.C. §103(a) as being unpatentable over Irvin in view of Watanabe et al and further in view of Tuoriniemi et al.

Claims 2 through 4 depend from Claim 1. Thus, the above remarks with respect to Claim 1 equally apply to Claims 2 and 4. The combination of Watanabe et al and Tuoriniemi et al fail to overcome the deficiencies of the Irvin reference. Accordingly, Applicant believes Claims 2 through 4 to be patentably distinguishable over the art cited by the Examiner.

Independent Claim 13, like previous claims, includes a storage means for storing a plurality of thresholds for each of the plurality of conditions. The detector is constructed to detect a handset usage condition for processing voice inputs from a handset microphone for voice transmission, hand-free microphone usage condition for processing voice inputs from a hand-free microphone for voice transmission and an ear

phone usage condition for processing voice inputs from a headset microphone for the voice transmission.

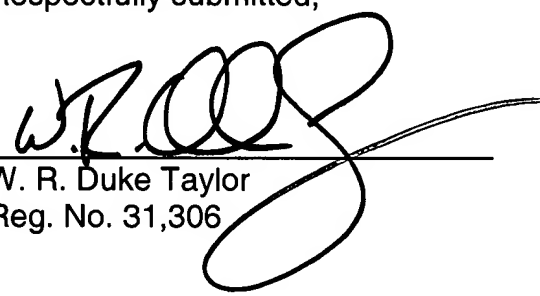
As mentioned above, Irvin fails to disclose or suggest these features. At best, Irvin illustrates power usage between a terminal and a cradle. Accordingly, Irvin, as well as the combination with Watanabe et al and Tuoriniemi et al fail to disclose or suggest Claim 13. Likewise, Claims 14 and 15 which depend from Claim 13, are patentably distinguishable over the art cited by the Examiner.

In light of the above amendments and remarks, Applicant respectfully submits that all pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the Examiner to pass the case to issue at his earliest possible convenience. Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

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